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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/847,147      | 05/02/2001  | David W. Conrad      | 00RE196             | 6574             |

7590 03/13/2003

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EXAMINER

ADDISON, KAREN B

ART UNIT PAPER NUMBER

2834

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                                  |
|------------------------------|-----------------|----------------------------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)                     |
|                              | 09/847,147      | CONRAD ET AL. <i>[Signature]</i> |
|                              | Examiner        | Art Unit                         |
|                              | Karen B Addison | 2834                             |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 December 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-13 and 18-22 is/are pending in the application.

4a) Of the above claim(s) 14-17 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7,13 and 18 is/are rejected.

7) Claim(s) 8-12 and 19-22 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                         | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election of 1-13 and 18-22 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Allowable Subject Matter***

2. Claims 8 -12, and 19-22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2-3,7,13 and 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Hancock (2520204).

Hancock discloses an electric motor and break system in fig.1 comprising: an electrical coil (24) surrounded by a frame (12); a motor shaft (12) coupled to the electrical core; a end shield (14) coupled to the frame located at the drive end of the motor; an a integral field cup and front end shield having a first side (14) and a second side (16); wherein, the first side is coupled to the frame located at an opposite drive end of the motor.

Hancock also discloses, a first bearing (18) assembly coupled to an inside surface of the end shield (operable to support the motor shaft at the drive end of the motor) and a second bearing (20) assembly coupled the first side of the integral cup and front end shield (operable to support the motor shaft at the opposite drive end of the motor).

Hancock also discloses a break portion including an electromagnetic coil (32) supported within the second side of the integral field cup and front-end shield and a fan located inside the break portions.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hancock in view of Nashiki(5039900).

Hancock substantially discloses the claim invention. However, Hancock do not disclose a first bearing assembly being disposed between a first inner cap and an inside surface of the end shield and a second bearing assembly being disposed between a second inner cap and an inside surface of the first side of the integral field cup and front end shield.

Nashiki discloses a electric motor and breaking system in fig.1 comprising a first bearing assembly(C ) being disposed between a first inner cap (A) and an inside surface of the end shield and a second bearing assembly(D) being disposed between a second inner cap (B) and an inside surface of the first side of the integral field cup and front end shield for the purpose of supporting the bearing. Therefore, it would have been obvious to one having ordinary skill in the arts at the time the invention was made to modify the breaking system of Hancock with the bearing inner caps of Nashiki for the purpose of supporting the bearing.

5. Claim 5 and 6 is rejected 35 U.S.C. 103(a) as being unpatentable over Hancock in view of Rossi (4811820).

Hancock substantially discloses the claim invention. However, Hancock do not disclose the second side of the integral field cup and front end shield comprising two concentric ring shaped extrusion and axially extending fins alongside the outside surface of the integral cup and front end shield.

Rossi discloses a electric motor and breaking system in fig.1 and 3 comprising: a integral field cup and front end shield having a second side with two concentric ring

shaped extrusion (A&B) and a frame (19) having axially extending fins (28) alongside the outside surface of the integral cup and front end shield for the purpose of dissipating heat. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the break system of Nashiki with Rossi's integral field cup and front end shield for the purpose of supporting the electromagnetic coils and bearing assembly.

Referring to claim 5, It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen B Addison whose telephone number is 703-306-5855. The examiner can normally be reached on 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1317. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Application/Control Number: 09/847,147  
Art Unit: 2834

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KBA  
March 7, 2003

  
NESTOR RAMIREZ  
SUPERVISORY PATENT EXAMINER  
TECHNICAL DIVISION 2834